



Order Filed on July 9, 2020  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

Caption in Compliance with D.N.J. LBR 9004-1(b)

**FOX ROTHSCHILD LLP**

49 Market St.

Morristown, NJ 07960

Mark E. Hall, Esq.

[mhall@foxrothschild.com](mailto:mhall@foxrothschild.com)

Michael R. Herz, Esq.

[mherz@foxrothschild.com](mailto:mherz@foxrothschild.com)

Telephone: (973) 992-4800

Facsimile: (973) 992-9125

*Attorney for Eric. R. Perkins,*

*Chapter 7 Trustee / Plaintiff*

In Re:

J. SCROFANI CONSTRUCTION CORP.

Debtor.

Chapter 7

Case No. 17-19984-RG

Judge: Hon. Rosemary Gambardella

Hg. Date: 7/7/20

ERIC R. PERKINS, Chapter 7 Trustee,

Plaintiff,

v.

JOHN SCROFANI,

Defendant.

Adv. Pro. No. 19-02083-RG

ERIC R. PERKINS, Chapter 7 Trustee,

Plaintiff,

LISA MARIE SCROFANI,

Defendant.

Adv. Pro. No. 19-02084-RG

**DATE: July 9, 2020**

A handwritten signature in cursive script that reads "Rosemary Gambardella".  
Honorable Rosemary Gambardella  
United States Bankruptcy Judge

DEBTOR: J. Scrofani Construction Corp.  
CASE NO.: 17-19984-RG  
ADV. PROS.: Perkins v. J. Scrofani; Perkins v. L. M. Scrofani; Perkins v. Capital One  
Bank; and Perkins v. Mercedes-Benz Financial Services USA, LLC  
ADV. PRO. NO.: 19-02083-RG; 19-02084-RG; 19-01941-RG; and 19-01939-RG  
CAPTION: **Order Approving Settlement Agreements and Granting Related Relief**

ERIC R. PERKINS, Chapter 7 Trustee,

Plaintiff,

v.

CAPITAL ONE BANK,

Defendant.

Adv. Pro. No. 19-01941-RG

ERIC R. PERKINS, Chapter 7 Trustee,

Plaintiff,

v.

MERCEDES-BENZ FINANCIAL SERVICES USA,  
LLC,

Defendant.

Adv. Pro. No. 19-01939-RG

MERCEDES-BENZ FINANCIAL SERVICES USA,  
LLC,

Third- Party Plaintiff,

v.

JOHN J. SCROFANI and/or JOHN S. SCROFANI,

Third-Party Defendant(s).

**ORDER APPROVING SETTLEMENT AGREEMENTS  
AND GRANTING RELATED RELIEF**

The relief set forth on the following pages, numbered three (3) and four (4), is hereby

**ORDERED.**

DEBTOR: J. Scrofani Construction Corp.  
CASE NO.: 17-19984-RG  
ADV. PROS.: Perkins v. J. Scrofani; Perkins v. L. M. Scrofani; Perkins v. Capital One  
Bank; and Perkins v. Mercedes-Benz Financial Services USA, LLC  
ADV. PRO. NO.: 19-02083-RG; 19-02084-RG; 19-01941-RG; and 19-01939-RG  
CAPTION: **Order Approving Settlement Agreements and Granting Related Relief**

**THIS MATTER** having been brought before the Court upon the motion (the “Motion”) of Eric R. Perkins, chapter 7 trustee (the “Trustee”) for the estate of J. Scrofani Construction Corp. (the “Debtor”), and the plaintiff in the above-captioned adversary proceedings, through his attorneys, Fox Rothschild LLP, seeking the entry of an order pursuant to Federal Rule of Bankruptcy Procedure 9019(a) (“Rule 9019(a)”) and 11 U.S.C. §§ 105(a) approving settlement agreements with (i) John Scrofani, Lisa Marie Scrofani, Lexus Scrofani, and Joseph Scrofani (the “Scrofani Parties”); (ii) Capital One Bank; and (iii) Mercedes-Benz Financial Services USA, LLC (“MBFS”); and due and sufficient notice of the Motion having been provided; and the Court having considered the papers filed, including all opposition, if any; and for good cause shown, it is hereby

**ORDERED** that the Motion is granted and objections, if any, are overruled; and it is further

**ORDERED** that the Scrofani Parties’ Settlement Agreement<sup>1</sup> is approved, the full terms of which are incorporated herein by reference;<sup>2</sup> and it is further

**ORDERED** that the Capital One Settlement Agreement is approved, the full terms of which are incorporated herein by reference;<sup>3</sup> and it is further

**ORDERED** that the MBFS Settlement Agreement is approved, the full terms of which are

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<sup>1</sup> Capitalized terms shall have the same meaning as set forth in the Trustee’s certification submitted in support of the Motion.

<sup>2</sup> A full copy of the Scrofani Parties’ Settlement Agreement is attached as Exhibit A to the Trustee’s Certification.

<sup>3</sup> A full copy of the Capital One Agreement is attached as Exhibit B to the Trustee’s Certification.

DEBTOR: J. Scrofani Construction Corp.  
CASE NO.: 17-19984-RG  
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Bank; and Perkins v. Mercedes-Benz Financial Services USA, LLC  
ADV. PRO. NO.: 19-02083-RG; 19-02084-RG; 19-01941-RG; and 19-01939-RG  
CAPTION: **Order Approving Settlement Agreements and Granting Related Relief**

incorporated herein by reference;<sup>4</sup> and it is further

**ORDERED** that the above-captioned adversary proceedings, including all claims, counterclaims, and cross-claims, are hereby determined resolved and closed, including the third-party complaint filed by MBFS against John J. Scrofani and/or John S. Scrofani in adversary proceeding number 19-01939-RG, with the respective parties in each of the above-captioned adversary proceedings to bear their own attorneys' fees and costs; and it is further

**ORDERED** that in the event of default by the Scrofani Parties under the Scrofani Parties' Settlement Agreement, the Trustee may seek to re-open the above-captioned adversary proceedings against John Scrofani and Lisa Marie Scrofani for the purpose of requesting the entry of default judgment against John Scrofani and Lisa Marie Scrofani, and the Trustee may commence an adversary proceeding against Lexus Scrofani with respect to the Lexus Scrofani Claims, and that such adversary proceeding shall not be time barred under [11 U.S.C. § 546\(a\)](#) or any other applicable statute of limitations if brought within one year of the date upon which the Scrofani Settlement Payment became due and payable to the Trustee.

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<sup>4</sup> A full copy of the MBFS Settlement Agreement is attached as Exhibit C to the Trustee's Certification.

## Certificate of Notice Page 5 of 6

United States Bankruptcy Court  
District of New JerseyIn re:  
J. Scrofani Construction Corp.  
DebtorCase No. 17-19984-RG  
Chapter 7**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903Page 1 of 2  
Total Noticed: 1

Date Rcvd: Jul 10, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on  
Jul 12, 2020.

db +J. Scrofani Construction Corp., 20 West Sunset Road, Pompton Plains, NJ 07444-1105

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jul 12, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system on July 10, 2020 at the address(es) listed below:

Allen J. Underwood, II on behalf of Plaintiff Eric R. Perkins ajunderwood@beckermeisel.com,  
ajunderwood@ecf.courtdrive.com;mambrose@becker.legal

Allen J. Underwood, II on behalf of Trustee Eric R. Perkins ajunderwood@beckermeisel.com,  
ajunderwood@ecf.courtdrive.com;mambrose@becker.legal

Catherine E. Youngman on behalf of Plaintiff Eric Perkins cyoungman@foxrothschild.com,  
NJ54@ecfcbis.com;cbrown@formanlaw.com;cyoungman@formanlaw.com

Charles Virginia on behalf of Creditor New Jersey B.A.C. Health Fund cvirginia@vandallp.com,  
mtenenbaum@vandallp.com

Deirdre E. Burke on behalf of Defendant Mercedes-Benz Financial Services USA, LLC  
dburke@mccarter.com

Deirdre E. Burke on behalf of Creditor Mercedes-Benz Financial Services USA LLC  
dburke@mccarter.com

Eric R. Perkins eperkins@mdmc-law.com,  
nj42@ecfcbis.com;tcolumbini@becker.legal;eperkins@becker.legal;lrodriguez@becker.legal

Eric Raymond Perkins on behalf of Trustee Eric R. Perkins eperkins@becker.legal,  
nj42@ecfcbis.com;tcolumbini@becker.legal;eperkins@becker.legal;lrodriguez@becker.legal

J. Alex Kress on behalf of Plaintiff Eric R. Perkins akress@becker.legal,  
mambrose@becker.legal;jalexkress@gmail.com

J. Alex Kress on behalf of Spec. Counsel Becker LLC akress@becker.legal,  
mambrose@becker.legal;jalexkress@gmail.com

Jeffrey Thomas Testa on behalf of Creditor Mercedes-Benz Financial Services USA LLC  
jtesta@mccarter.com, lrestivo@mccarter.com

Jeffrey Thomas Testa on behalf of Defendant Mercedes-Benz Financial Services USA, LLC  
jtesta@mccarter.com, lrestivo@mccarter.com

Jeffrey Thomas Testa on behalf of 3rd Party Plaintiff Mercedes-Benz Financial Services USA,  
LLC jtesta@mccarter.com, lrestivo@mccarter.com

Jeffrey Thomas Testa on behalf of Cross-Claimant Mercedes-Benz Financial Services USA, LLC  
jtesta@mccarter.com, lrestivo@mccarter.com

Joseph A. Caneco on behalf of Trustee Eric R. Perkins jcaneco@foxrothschild.com

Joseph A. Caneco on behalf of Plaintiff Eric Perkins jcaneco@foxrothschild.com

Joseph M. Aronds on behalf of Unknown Role Type Hartz Mountain Industries, Inc.  
joseph.aronds@hrplaw.com

Kathleen M Aiello on behalf of Trustee Eric R. Perkins kaiello@foxrothschild.com,  
dfiore@foxrothschild.com

Mark E. Hall on behalf of Trustee Eric R. Perkins mhall@foxrothschild.com,  
cbrown@foxrothschild.com

Mark E. Hall on behalf of Plaintiff Eric Perkins mhall@foxrothschild.com,  
cbrown@foxrothschild.com

Martin Cabalar on behalf of Creditor Grandview II at Riverwalk Port Imperial Condominium  
Association, Inc. mcabalar@bplegal.com,  
shanzouti@bplegal.com;vmogavero@bplegal.com;sklein@bplegal.com

Martin Fojas on behalf of Creditor New Jersey B.A.C. Health Fund fojasm@gtlaw.com

District/off: 0312-2

User: admin  
Form ID: pdf903

Page 2 of 2  
Total Noticed: 1

Date Rcvd: Jul 10, 2020

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Michael R. Herz on behalf of Trustee Eric R. Perkins mherz@foxrothschild.com,  
cbrown@foxrothschild.com  
Michael R. Herz on behalf of Defendant Mercedes-Benz Financial Services USA, LLC  
mherz@foxrothschild.com, cbrown@foxrothschild.com  
Michael R. Herz on behalf of Plaintiff Eric Perkins mherz@foxrothschild.com,  
cbrown@foxrothschild.com  
Ralph A Ferro, Jr on behalf of Debtor J. Scrofani Construction Corp. ralphferrojr@msn.com  
Risa Michele Chalfin on behalf of Unknown Role Type K. Hovnanian at Port Imperial Urban  
Renewal III LLC; K. Hovnanian/Shore Acquisitions, LLC; K. Hovnanian Construction Management,  
Inc.; K. Hovnanian Companies, LLC; K. Hovnanian Companies Northeast, In rchalfin@wilentz.com  
Robert A. Rich on behalf of Defendant Capital One Bank rrich2@hunton.com  
Robert D. Towey on behalf of Trustee Eric R. Perkins rtowey@becker.legal  
Scott J. Freedman on behalf of Creditor PNC Bank, National Association  
sfreedman@dilworthlaw.com  
Seth Ptasiwicz on behalf of Creditor New Jersey Building Laborers Statewide Benefit Funds  
sptasiwicz@krollfirm.com  
Tyler Kandel on behalf of Defendant JPMorgan Chase Bank, N.A. tkandel@sillscummis.com,  
mco@sillscummis.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov  
Vipin Varghese on behalf of Creditor Trustees of the International Union of Operating  
Engineers Local 825 Employee Benefit Funds vvarghese@decotiislaw.com,  
plaureano@decotiislaw.com;dcaceres@decotiislaw.com;mdiaz@decotiislaw.com

TOTAL: 34